



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

TOWN OF BAILEYVILLE WWTF)	ADMINISTRATIVE CONSENT
BAILEYVILLE, WASHINGTON COUNTY)	AGREEMENT
MAINE)	AND ENFORCEMENT ORDER

This Agreement by and among the Town of Baileyville, ("Baileyville"), the Maine Board of Environmental Protection, (the "Board"), and the State of Maine Attorney General is entered into pursuant to 38 M.R.S.A. § 347-A(1) and in accordance with the Department of Environmental Protection's ("the Department") Consent Agreement Policy, as amended.

The parties agree as follows:

1. Baileyville is a municipal corporation which is organized and exists under the laws of the State of Maine, and which operates a domestic waste water treatment facility, in Baileyville, Maine.
2. The Board has regulatory authority over the activities described herein.
3. Baileyville has a Maine Pollutant Discharge Elimination System Permit/Waste Discharge License ("Permit") issued by the Department on November 19, 2003, for the discharge of 0.6 million gallons per day ("mgd") of treated domestic waste water to the St. Croix River, Class C. The relevant Permit and License numbers are ME0101320 and #W002649, respectively. The limits cited below were the same in both the 2000 modification and the 2003 permit.
4. On August 21, 2003, the Board approved an Administrative Consent Agreement and Enforcement Order ("Consent Agreement") with Baileyville to resolve violations of Baileyville's Permit that occurred between March 1998 and September 2002. The corrective actions included significant efforts to control inflow and infiltration ("I/I") into the sanitary collection system.
5. Baileyville's Permit limits the discharge of Settleable Solids ("SS") to a daily maximum concentration of 0.3 milliliters per liter ("mL/L"). On the following dates, Baileyville discharged waste water to the St. Croix River with SS concentration in excess of its Permit limit:

Date	Daily maximum concentration
Permit limit	0.3 mL/L
October 29, 2003	20
March 29, 2005	0.43
May 26, 2005	120
May 27, 2005	40

6. Baileyville's Permit limits the discharge of Biochemical Oxygen Demand ("BOD") to a daily maximum mass of 250 pounds per day ("lb/day"). On March 28, 2003, Baileyville discharged waste water to the St. Croix River with a BOD mass of 271 lb/day.
7. Baileyville's Permit limits waste water flow to a monthly average of 0.6 mgd. During the following months, Baileyville discharged waste water to the St. Croix River with flow in excess of its Permit limit:

Month	Monthly Average Flow
Permit limit	0.600 mgd
November 2002	0.616
March 2003	0.945
April 2003	0.780
May 2005	0.634
October 2005	0.740

8. Baileyville's Permit limits the discharge of *Escherichia coli* ("*E. coli*") bacteria to a daily maximum of 949 colonies per 100mL ("col/100mL"). On the following occasions, Baileyville discharged waste water to the St. Croix River with bacteria concentrations in excess of its Permit limit or did not conduct sufficient range of dilutions to accurately determine the concentration of *E. coli* in its effluent:

Date	Daily Maximum
Permit limit	949 col/100mL
September 24, 2003	TNTC ^{1,2}
July 14, 2004	>80 ²
August 25, 2004	>80 ²
September 1, 2004	TNTC ^{1,2}
September 9, 2004	TNTC ^{1,2}
May 24, 2005	>300 ²

¹ TNTC = too numerous to count.

² Note that sufficient dilutions are required to accurately assess *E. coli* concentrations. All *E. coli* results reported as "greater than" (">") or as TNTC are considered violations of Permit limits.

9. The August 21, 2003 Consent Agreement included corrective action language that stated, in part: "Prior to August 1, 2003, submit to the Department for review and approval, plans and a schedule to address high influent flows experienced at the Baileyville waste water treatment facility." and "Baileyville shall implement the flow control plans according to the approved implementation schedule." Baileyville submitted the plan and schedule on July 18, 2003. It contained five major action items. Baileyville is in compliance with all of the deadlines so far except for action item 2, which required Baileyville to address the remaining public I/I sources identified in the 1997 Sewer System Evaluation Study ("SSES") by December 31, 2005. As of January 24, 2006, 23 of the public I/I sources had not been addressed as required. Baileyville completed the rehabilitation work required under item 2 on July 21, 2006, 202 days after the compliance deadline.
10. The actions described in paragraphs 4 through 8, above, are violations of 38 M.R.S.A. § 414(5). The actions described in paragraph 9, above, are in violation of an Order of the Board of Environmental Protection.
11. On November 9, 2005 and on March 2, 2006, the Department issued Notices of Violation to Baileyville regarding the violations identified above.
12. This Agreement shall become effective only if it is accepted by the Board and approved by the Attorney General.
13. To resolve the violations referred to in paragraphs 4 through 10, above, Baileyville agrees to:
 - A. Prior to February 15, 2007, submit to the Department for review and approval with or without conditions, an operational assessment of the Baileyville wastewater treatment facility conducted by a registered professional engineer. The assessment shall include, at a minimum, operational evaluation of: the secondary treatment system; solids handling, removal, storage and disposal; hydraulics; operational strategies to achieve compliance with permit limits; review of the wet weather management plan; and the need for additional operator training. The report shall include a plan and schedule for maximizing operation of the facility and upgrading equipment systems as needed to provide required treatment, as well as provision for solids disposal. Baileyville shall implement the plan according to the approved schedule.
 - B. Pay to the Treasurer, State of Maine, the sum of Fourteen Thousand One Hundred Seventy-five Dollars (\$14,175.00), due immediately upon signing this Agreement.

15. The Board and the State of Maine Attorney General grant Baileyville a release of their causes of action against Baileyville for the specific violations listed in paragraphs 4 through 10, above, on the express condition that all actions called for in paragraph 13, above, are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective unless and until the above condition is satisfied.

ORDER

Pursuant to 38 M.R.S.A. § 347-A(1) and the Department's Consent Agreement Policy, as amended, and based on the Agreement set forth above, the Board ORDERS Baileyville to:

- A. Prior to February 15, 2007, submit to the Department for review and approval with or without conditions, an operational assessment of the Baileyville wastewater treatment facility conducted by a registered professional engineer. The assessment shall include, at a minimum, operational evaluation of: the secondary treatment system; solids handling, removal, storage and disposal; hydraulics; operational strategies to achieve compliance with permit limits; review of the wet weather management plan; and the need for additional operator training. The report shall include a plan and schedule for maximizing operation of the facility and upgrading equipment systems as needed to provide required treatment, as well as provision for solids disposal. Baileyville shall implement the plan according to the approved schedule.

IN WITNESS WHEREOF the parties have executed this Agreement consisting of 4 pages.

TOWN OF BAILEYVILLE

BY: _____ DATE: _____
SCOTT HARRIMAN
Town Manager

BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
MATTHEW SCOTT, CHAIRMAN

SEEN AND AGREED TO:
State of Maine

BY: _____ DATE: _____
Assistant Attorney General